

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THOMAS HSU,

Plaintiff,

v.

AMERICAN MEDICAL COLLECTION  
AGENCY,

Defendant.

No. 7:10-cv-02849-KMK

ANSWER

The defendant, American Medical Collection Agency ("AMCA"), by and through the undersigned counsel, for its Answer to the Complaint herein, hereby denies each and every averment, except as expressly stated below, as follows:

1. Admits that plaintiff purports to bring this action under the FDCPA but denies liability thereunder.
2. Defendant has insufficient information and knowledge to form a belief as to the truth of the allegations of this Paragraph 2 and therefore denies the same and puts plaintiff to his strictest burden of proof thereof.
3. Denies.
4. Admits that defendant has a principal place of business located in Elmsford, Westchester County, New York and otherwise has insufficient information and knowledge to form a belief as to the truth of the remaining allegations of this Paragraph 2 and therefore denies the same and puts plaintiff to his strictest burden of proof thereof.
5. Admits that defendant sometimes acts as a debt collector as defined by 15 U.S.C. § 1692a(6) and otherwise denies the allegations of this Paragraph 5.
6. Admits that defendant sometimes acts through its employees and otherwise denies the allegations of this Paragraph 6.

7. Denies.

8. Denies.

9. Denies.

10. Denies.

11. Denies.

12. Denies.

13. Admits that defendant does not owe and that defendant is not seeking to collect any debt from the plaintiff and otherwise denies knowledge and information as to the truth of the remaining allegations of this Paragraph 13 and therefore denies same and leaves the plaintiff to his proof.

14. Denies.

15. Denies.

16. Denies.

17. Denies.

#### **First Affirmative Defense**

The plaintiff's claims are barred, in whole or in part, due to the plaintiff's failure to state a claim.

#### **Second Affirmative Defense**

Plaintiff's claims are barred, in whole or in part, due to lack of standing.

#### **Third Affirmative Defense**

Plaintiffs' claims are barred to the extent that any violation of the Fair Debt Collection Practices Act by defendant, which defendant denies, was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

WHEREFORE, the defendant request that the plaintiff's Complaint be dismissed with prejudice and the court grant defendant such other relief as may be required by the interests of justice, including without limitation, costs of defense and a reasonable attorney's fee.

Date: May 25, 2010

THE DEFENDANT  
AMERICAN MEDICAL COLLECTION  
AGENCY

By:   
Jonathan D. Elliot

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Its Attorneys

**CERTIFICATE OF SERVICE**

I hereby certify that on May 25, 2010 a copy of the foregoing was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system [or by mail to anyone unable to accept electronic filing]. Parties may access this filing through the Court's system.

A handwritten signature in black ink, appearing to read "Jonathan D. Elliot", written over a horizontal line.

Jonathan D. Elliot